

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-293-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO., LTD;	)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,	)	
INC.; SAMSUNG SEMICONDUCTOR	)	<div style="background-color: black; width: 150px; height: 1.2em;"></div>
INC.,	)	
	)	
Defendants.	)	

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NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-294-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;	)	
MICRON SEMICONDUCTOR	)	
PRODUCTS, INC.; MICRON	)	
TECHNOLOGY TEXAS LLC,	)	
	)	
Defendants.	)	

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**DECLARATION OF STEPHEN M. PAYNE IN SUPPORT OF NETLIST  
INC.'S OPPOSITION TO MICRON'S MOTION FOR SUMMARY JUDGMENT  
OF NONINFRINGEMENT OF U.S. PATENT NOS. 7,619,912 AND 11,093,417  
(DKT. 345)**

**I, Stephen M. Payne, declare as follows:**

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.’s Opposition to Micron’s Motion for Summary Judgment of Noninfringement of U.S. Patent Nos. 7,619,912 and 11,093,417 (Dkt. 345). I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct copy of U.S. Patent No. 7,619,912.

3. Attached as **Exhibit 2** is a true and correct copy of the August 30, 2023 Deposition Transcript of Boe Holbrook, taken in Civil Action No. 22-cv-203-JRG-RSP.

4. Attached as **Exhibit 3** is a true and correct copy of Exhibit A to the Opening Expert Report of Dr. William Mangione-Smith.

5. Attached as **Exhibit 4** is a true and correct copy of Exhibit B to the Opening Expert Report of Dr. William Mangione-Smith.

6. Attached as **Exhibit 5** is a true and correct excerpted copy of Exhibit C to the Opening Expert Report of Dr. William Mangione-Smith.

7. Attached as **Exhibit 6** is a true and correct copy of the introduction of the Opening Expert Report of Dr. William Mangione-Smith.

8. Attached as **Exhibit 7** is a true and correct copy of the August 29, 2023 Deposition Transcript of Robert Jin, taken in Civil Action No. 22-cv-203-JRG-RSP.

9. Attached as **Exhibit 8** is a true and correct excerpted copy of the Rebuttal Expert Report of Dr. Robert Stone.

10. Attached as **Exhibit 9** is a true and correct copy of Exhibit H to the Opening Expert

Report of Dr. William Mangione-Smith.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 30, 2024.

By /s/ Stephen M. Payne

Stephen M. Payne